

very room to get all the people who wanted to talk and all the witnesses who wanted to hear. This included the Maryland Council of Churches, the Archdiocese of Baltimore of the Roman Catholic Church, Baltimore Jewish Council, Christian Life Committee of the Baptist Convention of Maryland, and various other groups. They were all uniform in their agreement that the First Amendment was an effective barrier between church and state. We have adopted it, after much debate and much consideration in our Committee. Ladies and gentlemen, it was adopted 16 to 1.

The next area is section 3, right to due process and equal protection.

I am not going to cover that in full. It is the 14th Amendment. We think that it does what we believe it should do. It establishes that, "No person shall be deprived of life, liberty, or property without due process of law; nor be denied the equal protection of the laws."

I might say to you, ladies and gentlemen, by way of passing, that this 14th Amendment was not adopted by the State of Maryland at the time that the other states did. It was not until 1959 when our own Senator William James introduced a joint Senate Resolution that it was finally passed. It was approved by the Senate on April 2, 1959, and by the House on April 3 unanimously and signed by Governor Tawes on April 28, 1959. So, it is here to stay.

This we conceive is an absolute prohibition against discrimination with respect to the public areas. It is a timeless statement that does the work that we want it to do.

I shall pass over very quickly, in view of the time element, to search and seizure.

We have added in section 4 two points that will be of interest to you. One is we have provided for the protection against unreasonable interceptions of communications, and for other unreasonable invasions of privacy.

Now, these are areas that I suspect will evoke questions which we are prepared to answer. In this day and age of an increasing probing into the areas of privacy and the encroachment or the privacy of individuals by bureaucratic forms of government, we felt that this was a very important provision to place in our Bill of Rights.

The right of privacy has always existed. It is a right that we have. Nevertheless, it is a right that we think should now be specifically stated.

Section 5 deals with the rights of the accused, and I must just say that these follow pretty closely the Sixth Amendment of the Federal Constitution and our own Article XXI.

We will find that in most of these areas the Maryland Declaration of Rights will cover these rights though they will not cover them as clear-cut and succinctly as we have stated them here. Now, in this area I have only one comment to make that is of importance. We considered very carefully whether there should be a continuation of the unanimous verdict of juries in criminal cases, and we decided without dissent that there should be, and also that there should be no diminution in the size of the jury composed of twelve jurors.

Now, we have added a second section that is new in the Constitution. It says this:

"An accused, except in cases punishable by death or life imprisonment, shall be entitled to release pending trial conditioned only upon such bail or other terms as are reasonably necessary to secure his appearance before the Court."

This is the law as it is supposed to exist, in theory, though not always in practice. I will make only this comment about this. We have submitted this to Mr. Charles Moylan, Jr., the State's Attorney of Baltimore City, and to Chief Judge Dulaney Foster of Baltimore City and both of them have found there is no difficulty with respect to its terminology.

Finally, in section 6 we have the right not to incriminate one's self, which is a basic concept that has been in the Maryland Declaration of Rights and is in the Fifth Amendment of the Federal Constitution.

We have added a second freedom or personal liberty:

"No person shall be twice put in jeopardy of criminal punishment for the same offense."

This is in the federal Constitution and has never been in the Maryland Constitution, but we think it is a personal right that should be clearly enunciated. There have been cases involving double jeopardy, but they have been based upon the basic English common law.

In section 7, Jury Trials in Civil Cases, we have made several changes. We have left delegated to the legislature the responsibility to determine the jurisdictional